

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ROBERT VON MERTA,

Plaintiff,

v.

CITY AND COUNTY OF SAN  
FRANCISCO, et al.,

Defendants.

No. C 09-0753 PJH

**ORDER GRANTING MOTION FOR  
LEAVE TO AMEND THE COMPLAINT  
IN PART, AND DENYING IT IN PART;  
ORDER VACATING TRIAL AND  
PRETRIAL CONFERENCE DATES**

Plaintiff's motion for leave to amend the complaint, request for modification of case management and pretrial order, and motion for additional discovery; and defendants' motion for extension of time to file summary judgment motion, came on for hearing before this court on September 1, 2010. Plaintiff appeared by his counsel Matthew Witteman, and defendants appeared by their counsel Donald Margolis and Meghan Higgins. Having read the parties' papers and carefully considered their arguments, and good cause appearing, the court hereby GRANTS the motions IN PART, and DENIES them IN PART as follows for the reasons stated at the hearing.

Plaintiff's motion for leave to amend the complaint is GRANTED as to the addition of defendants Terence Durkan, James Dolly, Catherine Groody, George Ramos, and Michael Jones, and is DENIED as to David Wong, Stephanie Long, and Arthur Jang. Plaintiff's request for modification of the case management and pretrial order is GRANTED in accordance with this order.

The amended complaint shall be filed no later than September 23, 2010. The

1 amended complaint shall also reflect plaintiff's June 11, 2010 dismissal of the claims for  
2 infliction of emotional distress; plaintiff's August 11, 2010 dismissal of the claims asserted  
3 against defendants Heather Fong, Michael Hennessey, and Kamala Harris in their  
4 individual capacities; and plaintiff's August 18, 2010 dismissal of "any and all independent  
5 claims for conditions of confinement and/or failure to provide medical care that may be  
6 found in plaintiff's complaint."

7 Plaintiff's motion for additional discovery is DENIED, as an improper attempt to  
8 evade Judge Spero's August 9, 2010 ruling, to which plaintiff failed to file objections within  
9 the time required under 28 U.S.C. § 636(b)(1).

10 Defendants' motion for extension of time to file summary judgment motion is  
11 GRANTED, to the extent that the court has VACATED the prior deadline for filing  
12 dispositive motions. The date for filing dispositive motions will be set after the pleadings  
13 are settled. Any additional discovery permitted after the complaint is amended will be  
14 determined after any motion to dismiss is decided.

15 Defendants' responsive pleading or motion to dismiss shall be filed no later than  
16 October 14, 2010. The dates for the pretrial conference and the trial are VACATED.

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18 **IT IS SO ORDERED.**

19 Dated: September 9, 2010



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PHYLLIS J. HAMILTON  
United States District Judge